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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/103,745	06/24/1998	SUDHIR AGRAWAL	IDRA-740US1	3401
99488	7590	07/15/2011		
Furman Gregory Deptula 215 Main Street Suite 101 Biddeford, ME 04005			EXAMINER MCDONALD, JENNIFER SUE PITRAK	
			ART UNIT 1635	PAPER NUMBER
			MAIL DATE 07/15/2011	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112 - Withdrawn***

The rejection of claims 16-19 under 35 USC § 112, first paragraph, as failing to comply with the written description requirement for containing new matter is withdrawn. The claim amendments have obviated the rejection.

### ***Claim Rejections - 35 USC § 103 - Maintained***

Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matulic-Adamic, et al. (US Patent 5,998,203, of record), Zhang, et al. (1995, of record), Temsamani, et al. (1992, of record), and Bennett, et al. (US Patent 5,843,738, of record). This rejection is maintained.

### **Response to arguments**

Applicant argues that the claim amendments, removing “endogenous mammalian chromosomal DNA”, eliminate Bennett’s SEQ ID NO:63 as prior art against the claims. See page 6 of Applicant’s 05/16/2011 response. This is not persuasive. The claims are directed to methods comprising the use of an oligonucleotide that is complementary to a portion of a “genomic region” or “gene” or “RNA transcript from such a gene”, wherein “such gene or RNA transcript” is from a eukaryotic or prokaryotic pathogen or a virus. The amended claims do not exclude endogenous mammalian chromosomal DNA “genomic regions”. Therefore, Bennett, et al. is maintained as prior art against the instant claims because SEQ ID NO:63 of Bennett, et al.

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is complementary to a portion of a genomic region. It is further noted that the claim limitation, "a portion of a genomic region or gene", provides no indication of the size of the portion of the claimed oligonucleotide that is complementary to the target. As such, Bennett's SEQ ID NO:63 is also complementary to a portion of the human immunodeficiency virus 1 (HIV-1) genome. For example, nucleotides 12-18 of Bennett's SEQ ID NO:63 are complementary to nucleotides 680-686 of HIV-1 (Genbank accession AF033819.3).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENNIFER S.P. MCDONALD whose telephone number is (571)270-3061. The examiner can normally be reached on Monday-Friday, 8:30AM-5:00PM, EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Calamita can be reached on 571-272-2876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JENNIFER S.P. MCDONALD/  
Primary Examiner, Art Unit 1635